REMARKS

This amendment is responsive to the Office Action mailed September 4, 2009. Applicant thanks Examiner O'Hern for the analysis contained in the Office Action and for withdrawing the objections in the previous Office Action. Applicant has carefully considered the new rejections and requests reconsideration of the application in view of the amendments presented herewith and the remarks that follow.

Claims 1-10 were pending in the application. Applicant has amended Claims 1 and 8-10. Claims 2 and 3 have been canceled without prejudice. Therefore, Claims 1 and 4-10 are now pending in the application.

Claim Rejection Under 35 U.S.C. §103

Claims 1-10 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kent (U.S. patent no. 5,924,694) in view of Crook (U.S. patent no.5,482,754).

Applicant has amended Claim 1 to refer to the wires extending continuously along the width and length of the rubber slab. This feature is clearly shown in the drawings and furthermore is clearly implied in the description. Applicant has also amended Claim 1 to recite that the thickness of the slab is 3 or 4 inches, as described in the examples, and to include the subject matter of former Claims 2 and 3.

The Office Action argued that Kent taught first and second rigidifying grids, as shown in FIG. 1 and 5, and that modifying the dimensions to optimize the structure for intended use was within the skill of a person of ordinary skill in the art. Applicant respectfully submits that neither Kent nor Crook react to forces in the same manner as the claimed invention, and that mere optimization is insufficient to arrive at the claimed invention.

Kent teaches a rubber sheet that can be bent into a desired shape, and retain that shape through the use of a wire mesh. In FIG. 5, Kent shows an embodiment with fibreglass fabric

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

framed by two layers of wire mesh. This embodiment is described at Col. 4, lines 29-41. Kent does not describe the two layers, but states that "sufficient wire frame . . . may be embedded within the skin material 3 to provide an overall deformability and shape retention to the target material." Thus, the two layers are provided to replace the strength lost due to the fibreglass fabric. Kent makes it clear that the design is still deformable, even when two layers are present. What Kent considers to be deformable is shown at, for example, Col. 5, lines 9-12, where Kent states that "[t]he target material described above is sufficiently strong and pliable to permit deformation of the hands and arms into any required shape to hold any desired weapon . . .." Kent goes on to describe how the rest of the target may also be manipulated into various poses.

The purpose of including a second layer of wire mesh is simply to increase the strength of the skin when fabric replaces a portion of the wire mesh in the skin. Kent does not teach any special characteristics or responses by adding a second layer of wire mesh beyond increasing its strength. Instead, Kent describes all embodiments as being similarly deformable, and it is clear that any changes in the skin's deformability aside from its strength would decrease the usefulness of the skin.

The response of a rubber access mat as claimed in the present application with two layers of wire grid is significantly different from a rubber access mat with a single grid of wire. Applicant has amended Claim 1 to make this more apparent by specifying that:

- the wires in the grids extend continuously along the width and length of the slab, whereas Kent only teaches two layers of wire mesh in a frame around embedded fabric;
- the thickness of the slab is 3 or 4 inches;
- the wire diameter is not less than gauge 10;
- the reinforcing wire is steel; and

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

- the rubber is from recycled tires.

These specifications create a rubber access mat that responds to shear forces differently than to bending moments. For example, the response to shear forces allow the rubber mat to conform generally to an uneven ground surface. When a point load is applied, such as from a vehicle tire, the rubber access mat is prevented from curling up around. As described at page 5, lines 2-4 of the present application, the mat with two grids is able to carry a "greater load," with reference to trucks and drilling rigs, without deforming.

Neither Kent nor Crook teach this capability. As argued above, Kent is designed to maintain its deformability, which requires it to bend due to moment forces applied when forming the target. Crook specifically teaches away from this, by stating at Col. 2, lines 32-34, that "[i]t will be appreciated that the finished mat 12 is flexible in all planes." Thus, unlike the rubber access mat as claimed in the present application, neither Kent nor Crook teach a structure that is able to allow sufficient shear forces to conform to a ground surface while resisting the bending moment of point loads.

In Kent, the deformability of the skin with two layers is made possible because of the thickness of the sheet, which Kent identifies as about 0.25 inches thick (see Col. 3, lines 36-37). At this thickness, the neoprene described by Kent is insufficiently strong to provide a resistance to bending moments. Thus, instead of changing the type of reaction to a bending force, Kent merely strengthens or weakens that reaction by changing thickness of the mesh, or by adding a second layer of mesh. It is therefore respectfully submitted that Kent fails to teach a mat as claimed in the present application.

The Office Action argued that Kent teaches that "the screens need to be strong enough to give structural support and flexible enough so as to conform to the surface to be covered." However, Kent is limited to teaching a rubber skin that must be bendable.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

The Office Action argued that discovering an optimum value of a result effective variable involves only routine skill in the art. Applicant submits that this is not applicable in the present case, as both Kent and Crook will react differently to applied forces than what is claimed in Claim 1 of the present application. Neither of these references distinguish between shear forces or bending moments, and indeed, both teach away from this, as both references desire a manipulable structure, as argued above. Thus, a person of ordinary skill in the art could not "optimize" Kent and Crook to arrive at Claim 1, and further, there is no motivation to believe that such a result could be achieved.

Applicant therefore submits that Claim 1 is patentable over Kent in view of Crook. As Claims 4-10 depend directly or indirectly on Claim 1, applicant submits that these claims are also patentable over Kent and Crook.

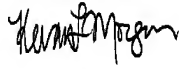
LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

CONCLUSION

In view of the foregoing amendments and arguments, it is respectfully submitted that the present application is in condition for allowance. Applicant, therefore, requests the early issue of a Notice of Allowance. If any questions remain, the Examiner is invited to contact the undersigned counsel at the telephone number listed below.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS PLLC



Kevan L. Morgan
Registration No. 42,015
Direct Dial No. 206.695.1712

KLM:meb

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100